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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,333	07/31/2003	Vanish Talwar	200311035-2	3580

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2445

NOTIFICATION DATE	DELIVERY MODE
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06/02/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/632,333

Applicant(s)

TALWAR ET AL.

Examiner

Jeffrey R. Swearingen

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/11/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 5-12 and 15-18 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 15-18 are not rejected under 35 U.S.C. 101 based on Applicant's statements disavowing software *per se* of 9/22/2008. See Final Rejection, 12/11/2008, paragraph 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-12 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mangipudi et al. (US 7,058,704) in view of Barkan et al. (US 6,925,493).

6. In regard to claim 1, Mangipudi disclosed *a method for resource allocation management for an interactive session on a grid computing system, comprising:*

receiving an end user request for an interactive session with the end user;

Mangipudi, column 6, request in line 9

determining a user class to which the end user belongs; the user's transaction information is sent in Mangipudi, column 6, line 8. This is used to ascertain the user's subscribed level of service or class in Mangipudi, column 6, line 45

consulting one or more user class authorization policy files to determine resource allocation policies for the end user's user class; Log files are used reporting on SLA metrics, including a user class, in Mangipudi, column 6, lines 40-49. Mangipudi, column 8, line 66 – column 9, line 3 discloses a special class-based SLA report showing each defined class has selected performance parameters. These are the resource allocation policies for the end user's user class.

7. Mangipudi disclosed the use of a SLA to establish a user's level of service. Mangipudi failed to disclose generation of the contract for the SLA. Mangipudi further failed to disclose identifying applications needed by a user.

8. Barkan disclosed a SLA is "a way for a service provider and a customer to set a contract that establishes the obligations of the service provider to the customer."

Barkan, column 4, lines 17-20. Barkan used a SLA language (SLALOM, Barkan, column 4, lines 40-60) to generate contracts for SLAs. Barkan, column 3, lines 34-48.

9. Barkan disclosed a series of Applications that could be applied to an SLA.

Barkan, column 6, lines 55-65. Barkan allocated applications to a user per the terms of the SLA. Barkan, column 8, lines 16-19.

10. It would have been obvious to one of ordinary skill in the art at the time of invention to use the information from the SLA in Mangipudi to generate a SLA contract as taught in Barkan in order to establish what an end user was able to access when establishing a connection.

11. It would have been obvious to one of ordinary skill in the art at the time of invention to use Barkan's allocation of applications and resources with Mangipudi's SLA in order to allow a user to fulfill the terms of the negotiated SLA without jeopardizing existing SLAs in use by other end users at the time of allocation.

12. In regard to claim 2, Barkan further disclosed *the step of identifying application programs to be launched in the interactive session includes consulting a user directory to identify application programs which the end user is authorized to use*. Barkan, column 7, lines 29-34, column 8, lines 17-19.

13. In regard to claim 3, Barkan further disclosed *the step of determining resource requirements includes consulting one or more application profile files which provide information concerning the resource requirements for individual applications*. Barkan, column 6, lines 55-65

14. In regard to claim 5, Barkan further disclosed *generating said contract includes generating an authorization policy*. Barkan used a SLA language (SLALOM, Barkan,

column 4, lines 40-60) to generate contracts for SLAs. Barkan, column 3, lines 34-48.

See further column 10, lines 8-54 for a sample SLA under Barkan

15. In regard to claim 6, Barkan further disclosed *monitoring the interactive session to ensure compliance with terms of the contract*. Barkan, column 11, lines 15-19

16. In regard to claim 7, Barkan further disclosed *the step of allocating resources for the interactive session is performed by a grid scheduler which receives the end user request and the contract*. Barkan, column 10, lines 8-54 and column 9, lines 1-5 – timeslots are a grid scheduler

17. Claim 8 is substantially the same as claim 1.

18. Claim 9 is substantially the same as claim 2.

19. Claim 10 is substantially the same as claim 3.

20. In regard to claim 11, Barkan further disclosed *a user class authorization policy repository for providing resource allocation policies for different user classes*. Barkan, column 14, lines 55-63

21. Claim 12 is substantially the same as claim 7.

22. Claim 15 is substantially the same as claim 1.

23. Claim 16 is substantially the same as claim 2.

24. Claim 17 is substantially the same as claim 3.

25. Claim 18 is substantially the same as claim 11.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Briscoe et al. US 7,426,471

Mangipudi et al. US 6,728,748

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2445

/J. R. S./
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

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Supervisory Patent Examiner, Art Unit 2445